

# Staff Summary Report



Hearing Officer Hearing Date: April 15, 2008

Agenda Item Number: 11

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **FAGAN RESIDENCE** located at 4433 South Poplar Street.

**DOCUMENT NAME:** 20080415dsng03

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **FAGAN RESIDENCE (PL080086/ABT08005)** (Shane Fagan, property owner) Complaint CE080101 located at 4433 South Poplar Street in the R1-6, Single Family Residential District.

**PREPARED BY:** Nick Graves, Planning Intern (480-350-8690)

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

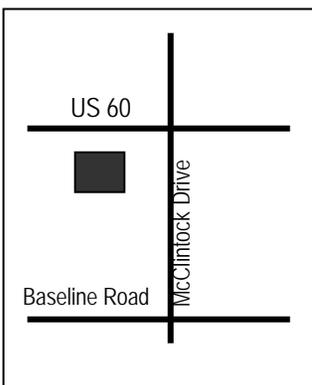
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval

**ADDITIONAL INFO:** The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **FAGAN RESIDENCE (PL080086/ABT08005)** (Shane Fagan, property owner) Complaint CE080101 located at 4433 South Poplar Street in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends the authorization of abatement of this property. To date, staff has received no public input on this case.



**PAGES:**

1. List of Attachments
2. Comments; History & Facts/Description

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-9. Neighborhood Enhancement Report

**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **FAGAN RESIDENCE (PL080086/ABT08005)** (Shane Fagan, property owner) Complaint CE080101 located at 4433 South Poplar Street in the R1-6, Single Family Residential District. The property lies on the northeast corner of Poplar Street and Carson drive, just west of McClintock Drive. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Brandy Zedlar, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

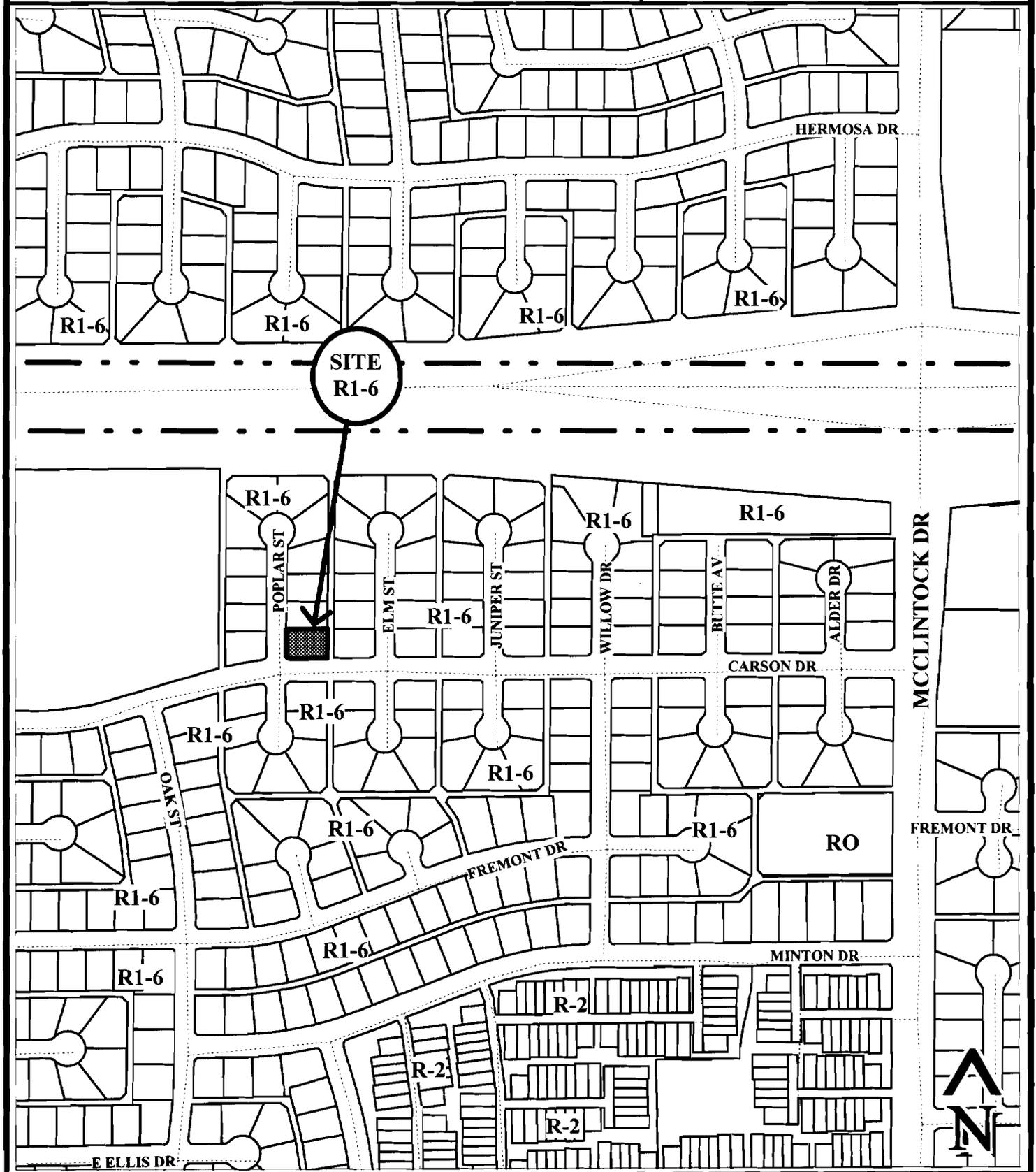
Staff recommends the authorization of abatement of this property.

**HISTORY & FACTS:** See attached memo from the Neighborhood Enhancement Division.

**DESCRIPTION:** Owner – Shane Fagan  
Applicant – Brandy Zedlar, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District  
Lot area – 7,847 sf./18 acres  
Building area – 2,360 sf.  
Year of construction – 1970

FAGAN RESIDENCE

PL080086





FAGAN RESIDENCE (PL080086/ABT08005)

**DATE:** 03/04/08  
**TO:** Jan Koehn, Administrator  
**FROM:** Brandy Zedlar  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE080101

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**LOCATION:** 4433 S. Poplar St., Tempe, AZ 85282  
**LEGAL:** Book 133, Map 39, Parcel 078, as recorded with the Maricopa County Assessor  
**OWNER:** Shane J Fagan

**FINDINGS:**

1/07/08 – The Neighborhood Enhancement Division received a complaint on the above property concerning deteriorated landscape and trash in the side yard.

1/09/07 – The property was inspected and found to be in violation for excessive weeds and grass growing within the gravel landscape in the front and side yard and a large amount of junk piled on the north side yard.

**PROPERTY HISTORY:**

02/22/00 – Property was in violation for deteriorated landscape.

03/02/01 – Property was in violation for deteriorated landscape.

03/26/03 – Property was in violation for deteriorated landscape.

01/29/04 – Property was in violation for deteriorated landscape, junk and trash on the side yard. Two civil citations were issued to Mr. Fagan.

10/19/04 – Property was in violation for deteriorated landscape and junk and trash in the front yard. Two civil citations were issued to Mr. Fagan.

04/07/05 - Property was in violation for deteriorated landscape and Mr. Fagan was issued two civil citations.

06/06/05 – Property was in violation for deteriorated landscape and Mr. Fagan was issued one citation.

09/07/06 – Property was in violation for deteriorated landscape and Mr. Fagan was issued one citation.

9/20/07 – Abatement request was approved for removal of junk and debris on the north side yard and landscape clean up.

**RECOMMENDATIONS:**

I recommend the approval for abatement at 4433 S. Poplar St. which is owned by Mr. Shane Fagan. Due to the history of this property, it is very clear that Mr. Fagan is unable to keep his property in compliance. Mr. Fagan has been given ample time to bring his property into compliance and has failed to appear on all citations issued since 2000. There has been no indication in Mr. Fagan's actions that he plans on maintaining the property and keeping it in compliance.

Respectfully submitted,  
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Jan Koehn

DATE: 03/04/08



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(480) 858-2231 (fax)

Code Compliance Division

## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: March 4, 2008

TO: Shane Fagan

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

**LEGAL:** Book 133, Map 39, Parcel 078, as recorded with the Maricopa County Assessor.

**LOCATION:** 4433 S. Poplar St., Tempe, AZ 85282

**This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of April 15, 2008. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of: Those items constituting a violation of TCC 21-3-b-1 which prohibits any outdoor storage not enclosed by walls, doors, or windows of any building and TCC 21-3-b-8 which prohibits any landscaping that is substantially dead, damaged, or characterized by uncontrolled growth.**

**As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$575.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City. If you have questions regarding this matter, please contact our office at (480) 350-8372.**

Code Enforcement Officer: Brandy Zedlar

Phone Number 480-350-8372







